

REMARKS

Claims 11 - 20 are in the application unchanged.

Applicant has noted that the Examiner does not rely on the reference to Geiger in rejecting the claims.

Rather, the Examiner has rejected the claims under 35 U.S.C. 103(a) as being unpatentable over Kolb et al in view of Anders.

Reconsideration and withdrawal of this rejection are respectfully requested.

The newly cited reference to Kolb et al discloses a relief device 10 which clearly does not act on a portion without fabric in front of the tension bow 6 in the travel direction; rather, the relief device 10 acts on the tension bow 6 itself. The reference does not provide for any direct influence on the top cover 3 by the relief device 10. Consequently, it is submitted that the assertion made in the Office Action, namely that Kolb et al show a "tensioning device 10 assigned to a sealing line of the roof covering" is not correct.

In addition, the relief device 10, and not a tension device 10, acts far to the back at the tension bow without influencing a

sealing body in front of the tension bow with respect to the direction of the vehicle travel. Clearly, the subject matter of the present invention now recited in claim 1 is clearly not disclosed by the newly cited reference to Kolb et al.

Such an influence on the sealing line is not even the purpose of the invention disclosed in the reference.

In the relief device 10 according to the reference to Kolb et al, the purpose is not to increase the downwardly directed compressive force on the sealing member 7, but rather to reduce this compressive force by reducing the downward initial tension of the tension bow, so that precisely the compressive load acting on the sealing member 7 can be reduced. This feature is clearly disclosed as the object of the invention of the reference, as discussed in column 1, lines 23 to 29 of the reference. The purpose of this is to prevent a deformation which is too great, i.e., mechanical damage, to the sealing member 7 underneath the tension bow 6. On the other hand, the reference does not discuss an improvement of the sealing conditions.

The reference to Kolb et al does not even discuss the lining portion situated laterally in front of the tension bow. Therefore, it cannot be seen how a person who wants to improve the sealing behavior in this area would seek to find any

suggestions in this direction in the reference to Kolb et al. Accordingly, it is submitted that it is clear from the above that the present invention is patentable over this prior art since it is only provided that the relief device acts in the rear on the tension bow, wherein this is even done with a completely different purpose, namely to relieve the tension, and not, as is the case in the present application, to provide an additional tensioning. Actually, such an additional tensioning would make no sense underneath the tension bow.

Therefore, it is respectfully submitted that the present invention as claimed in claim 11 is patentable over the art of record.

The reference to Anders has been cited for showing a rubber elastic hollow sealing line. However, Applicant respectfully submits that the reference does not disclose or suggest the features recited in claim 11 of the reference, and, therefore, this reference, even when taken in combination with the reference with Kolb et al does not disclose or suggest the present invention as claimed.

Applicant additionally respectfully submits that the feature of current claim 15 of the present application is clearly not disclosed or suggested by the art of record.

Accordingly, it is submitted that the claims of the present application are patentable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on January 23, 2009.

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